PETITION FOR SPECIAL HEARING BEFORE THE SW/S Old North Point Rd., SW/C (4035 Old North Point Road) 15th Election District

Beechwood & Old North Point Rds. * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY 7th Councilmanic District * Case No. 39-392-SPH

Daily Express, Inc.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plans for an existing truck terminal in Case No. 80-9-X to include a accessory structure for servicing equipment and commodities hauled under contract, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Robert H. Wertz, appeared, testified and was represented by J. Carroll Holzer, Esquire. Also appearing on behalf of the Petition was John J. Stamm, registered professional engineer with G. W. Stephens, Jr. and Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 4035 old North Point Road, consists of 8 acres more or less, zoned M.L.-I.M. Said promerty was granted a special exception in regard to the development as a truck terminal, pursuant to Bill 18-76, in Case No. 80-9-X on February 6, 1980 and January 29, 1981. Testimony indicated the Petitioners purchased the property approximately six years ago at which time the use of the property changed from principally the stacking of containers to the loading and unloading of equipment from over-the-road tractor trailers for storage and preparation for shipping overseas and/or locally through the Port of Baltimore. Mr. Wertz testified that in addition to the stacking of containers, farm tractors, construction equipment, and various other

commodities were stored on the 2-acre panhandle lot pursuant to permission granted by the then Zoning Commissioner, Arnold Jablon, as set forth in a letter dated February 8, 1985, a copy of which has been submitted and placed in the file. Mr. Wertz further testified that in the process of unloading and preparing the equipment for shipping purposes, his company is responsible for servicing the equipment, including, but not limited to, the placement of mirrors, lights, and decals on the equipment, correcting damages which occurred transmitting, and packaging the equipment for shipment overseas. Mr. Wertz testified that in the past such servicing was done in the open on the paved surface.

Petitioners propose constructing a 40' x 70' building in order to service the equipment under cover. Testimony presented indicated that work performed will not involve any services generally associated with a service station and/or garage operation. Testimony further indicated that the servicing will not be in violation of any of the restrictions imposed by the Board of Appeals in their Order. Testimony indicated that the granting of the relief requested would be in keeping with the spirit and intent of the zoning regulations and would not result in any detriment to the health, safety or general welfare of the public. Mr. Wertz testified that prior to the hearing he and his partner had discussed their plans with some of the neighbors who indicated they had no objections.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were denied. It is clear from the testimony that if an amendment to the originally approved site plan is granted, such use as proposed would not be contrary to the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.)

and would not result in substantial detriment to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 420 day of April, 1989 that the Petition for Special Hearing to approve an amendment to the previously approved site plan for an existing truck terminal in Case No. 80-9-X to include an accessory structure for servicing equipment and commodities hauled under contract, in accordance the Petitioner's Exhibit 1, be and is hereby GRANT-ED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the JO-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioners shall comply with all requirements as set forth in the Zoning Plans Advisory Committee comments which have been adopted in their entirety and made a part of this Order, including, but not limited to, the Office of Planning's comments dated March 29, 1989, a copy of which is attached hereto.

3) Prior to the issuance of any building permits, Petitioners shall submit for approval by the Baltimore County Landscape Planner a landscaping plan which at a minimum complies with the requirements of the Baltimore County Landscaping Manual. A copy of the approved landscape plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case

4) Petitioner shall comply with the restrictions and conditions set forth in the Order issued by the Zoning

Commissioner on February 6, 1980 in Case No. 80-9-X and the appeal opinion issued by the County Board of Appeals dated January 29, 1981.

> (M Neo previou ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (201) 887-3353 J. Robert Haines

April 4, 1989

Dennis F. Rasmusser
County Executive

J. Carroll Holzer, Esquire Holzer, Maher & Demilio 305 W. Chesapeake Avenue, Suite 105 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING SW/S Old North Point Road, SW/Corner Beechwood Road and Old North Point Road 15th Election District - 7th Councilmanic District Daily Express, Inc. - Petitioners Case No. 89-392-SPH

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours, A- MNOKawiy

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-392-5PH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the approved plans for an existing truck terminal (Case No.: 80-9-X) to include accessory structure for servicing equipment and commodities hauled under contract.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted purs. It to the Zoning Law for Baltimore County.

> I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property whi a is the subject of this Petition.

Contract Purchaser:	Legal Owner(s): Daily Express, Inc. 4035 Old North Point Road
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name) Reharb H. What 1-7-39
City and State Attorney for Petitiener:	Signature Daily Express, Inc. 1076 Harrisburg Pike, P.O. Box 3 Carlisle, Pennsylvania 17013
J. Carroll Holzer (Type or Brint Name)	Address Phone No. MAP 3E3654
Signature Holzer, Maher & Demilio	City and State 4A
305 W. Chesapeake Avenue, Suite 105 Address	Name, address and phone number of legal owner. on 15th tract purchaser or representative to be contacted that 5-2+50
Towson, Maryland 21204	200 BE
City and State	Name 1000 <u>A.F.</u>
Attorney's Telephone No.: 301-825-6960	Address Phone 100.

, 19.89, that the subject matter of this petition be advertised, as out Baltimore County, that property be posted, and that the public hearing be had before the Zoning County, on the _______ day of ________, 1989, at 9:30 o'clock

FROM THE OFFICE OF

Description to Accompany Zoning Petition for Special Hearing to Amend Approved Plans for Existing Truck Terminal (Case No. 80-9-X) to Include Accessory Structure for Servicing Equipment and Commodities Hauled Under Contract.

November 10, 1988

284

Beginning for the same at the end of the two following courses viz: first, commencing at a point on the southwest side of Old North Point Road 40 feet wide, said point being the southeast side of Battle Grove Road 40 feet wide and running thence along the southwest side of Old North Point Road southeasterly 446 feet more or less and second, leaving said road South 66° 09' 41" West 289 feet more or less to said place of beginning, running thence the two following courses viz: 1) South 47° 39' 56" East 614.13 feet and 2) North 50° 57' 20" East 186.22 feet to the southwest side of Old North Point Road, thence binding thereon 3) South 39° 02' 40" East 93.75 feet, thence leaving said road the three following courses viz: 4) South 50° 57' 20" West 150.00 feet, 5) South 39° 02' 40" East 50.00 feet and 6) North 54° 21' 33" East 148.48 feet to the southwest side of said Old North Point Road, thence binding thereon 7) southeasterly by a curve to the right having a radius of 939.04 feet and a distance of 439.22 feet, thence leaving said road and running the four following courses viz: 8) South 66° 22' 40" West 118.80 feet, 9) North 47° 44' 10" West 543.58 feet, 10) North 47° 39' 56" West 653.98 feet and 11) North 66° 09' 41" East 150.21 feet to the place of beginning. Containing 5.000 acres of land more or less.

GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. ENGINEERS P.O. BOX 6828, TOWSON, MARYLAND 21204

The herein above described 5.000 acre parcel being a part of that 8 acre tract of land having been granted a special exception for a truck terminal in Case No. 66-96-X.

ASE PRINT CLEARLY PETITIONER(S	
NAME	ADDRESS
John J. Stamm 1 Politican Robert Wertz	Gr. W. Stephens Jr & Assoc 303 Alleghour, Hue Towson 2120 Daily Express In. Po Box 39 Carlisle, Par 17013
Robert Wertz	Daily Express In.
	Po Box 39 Carliste, Can 17013
	
	

Appartment of Particonnectal Protection Comments of Particol Comments of

The converse of the converse to the converse of the plant to the converse to t

July Stand 7.5

cos Li Besterovice A. Ports

CAROLE S. DEMILIO

HOLZER, MAHER, & DEMILIO NOS W. CHESAPEAKE AVENUE TOWSON, MARYLAND 31204

WASHINGTON, D.C. OFFICE 225 SHOREHAM BLELDING BOL ISTH STREET, N.W. WASHINGTON, D.C. 20005

#6378

RE: Petition for Special Hearing
Case No.: 89-392-SPH

Dear Commissioner Nastarowicz: Enclosed please find the letters requested during the hearing.

Ms. Ann M. Nastarowicz Deputy Zoning Commissioner

for Baltimore County Office of Planning and Zoning

Towson, Maryland 21204

Enclosure

JCH: 1m

Holzer, Maher & DeMilio J. Carroll Holzer 35 W. Cheasapeak Avenue Suite 105 Towson, MD 21204

Dear Carroll,

Drily Express terminal operation at 4035 Old North Point Road, Baltimore, MD 21222, currently se es numerous import-export customers using the Baltimore piers and domestic manufacturers located within Maryland. A major service provided from this Baltimore terminal allows foreign commerce customers the choice for storage of their goods and products in a close proximity to the Locust Point/Dundalk piers, either prior or subsequent to ocean movement. It also allows these customers the ability for assembly, disassembly, modification, and pre-shipment inspection of their products which contributes to their shipping flexibility, quality, and market effectiveness. Import-export customers who continually patronize our Baltimore services include Caterpil'ar Corporation, John Deere Corporation, Case International Corporation, Moxy, Zetor, Kobelco, Ford-New Holland, Environmental Elements, Komatsu International, Hitachi, Rexworks, and Benati. Products range from excavators, farm tractors, lawn and garden tractors, combines, cranes, backhoes, loaders, industrial equipment and supplies, machinery, and heat exchangers. This Baltimore operation with its heavy concentration in foreign commerce functionally does not handle and transport large volumes of containerized traffic. The products previously mentioned are usually shipments where the dimensions exceed those which would permit container-

The pre-delivery and assembly building being planned for our Baltimore operation is to be used for inspecting, assembly, disassembly, correcting deficiencies, and inside storage. Many of these services are presently being performed at this site today, however, they are done outside and this building will allow for the continuation of these services inside and out of the elements.

The development process for the prep and pre-inspection building commenced in early 1988 with the services of George William Stephens, Jr. & Associates, Inc. being retained to prepare all necessary plans for their submission to the appropriate Baltimore County agencies which oversee compliance with property development. In September 1988 what was believed to be the authorization to proceed was a letter received from P. David Fields, Director of Planning and Zoning, dated August 31, 1988, to be a waiver from CRG

> P.O. BOX 39 • CARLISLE, PENNSYLVANIA 17013-0039 • (717) 243-6757 ATTACHMENT'C"

Letter to Carroll Holzes November 7, 1988 Page 2

> Plan and CRG (meeting/process) authorization for the erection of the building without any further specific authorization needed from county jurisdictional

Based on this information a contract was consummated with a general contractor, North Point Builders, In., Baltimore, MD, for the building erection, a prefabricated building order was placed with a scheduled delivery of December 1988, subcontractors engaged and utility services planned and ordered. Additionally, based on the timetable for the erection of the building and a January completion, business commitments were contracted with specific clients to perform special services and pre-delivery inspections in this building. The absence of this building to perform these services in January 1989 would cause a critical hardship to our clients, directly affecting product quality and marketability and causing the work to be done outside or moved to another location which would be cost prohibitive.

It is essential we reach some form of an agreement with the Baltimore County zoning office to allow for this proposed building to be erected and completed by the January 1989 time-frame in order to satisfy the business contracts presently existing. There appears to be a basis for this action based on the misunderstanding between George William Stephens, Jr. & Associates, Inc. and the Baltimore County office of planning and zoning. We are willing to comply with the procedural processes associated with this type of development, however, we would propose to satisfy these requirements during the time the construction is being performed.

Sincerely,

Vice President -

HONALD L MAHER J CARROLL HOLZER CAROLE S DEMILIO OF COUNSEL HOWARD HOLZER HOLZER, MAHER & DEMILIO BON 15TH STREET, N.W. WASHINGTON, D.C. 20006 TOWSON, MARYLAND 21204 PLEASE REPLY TO: Towson

January 18, 1985

Mr. Arnold Jablon Zoning Commissioner County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: Daily Express, Inc. 4035 Old North Point Road Baltimore County

Dear Mr. Jablon:

Please be advised that I represent Daily Express, Inc. of Carlise, Pennsylvania, which has become the Contract Purchaser of property known as 4035 Old North Point Road. Daily Express is a trucking company that primarily handles "heavy hauling" commodities for many different customers and manufacturers and which principally services the port of Baltimore through the Dundalk Marine Terminal.

The 5 acre parcel that is the subject of Daily's contract is presently owned by X.L., Inc. The front 3 acre parcel is designated as a Class II truck facility and the remaining 2 acres is zoned M.L.I.M.

I am enclosing a Plat prepared by Jack Stamm of the George P. Stevens Company which indicates the location and the outline of the property. It is the intention of Daily Express to continue using the front 3 acre parcel in the manner in which it is presently being operated and to use the remaining 2 acre parcel for purposes of storing and parking, various equipment and commodities which it is hauling, i.e. agricultural tractors.

On November 15, 1984, you responded to a letter of October 30, 1984 by Mark Schapiro of Casey, Miller, Kornblatt & Burns indicating your position in regard to this property. I am conclosing a copy of that letter for your review.

Much of the operation of Daily Express is "heavy hauling" whereby equipment which is being transported through the port of Baltimore will be stored pending its departure from the port. In

ATTACH MENT A"

addition, equipment which is off-loaded at the port will be stored on the back 2 acres prior to its being transferred to its point of destination. It is the intention of Daily not to pave with a hard surface, the back 2 acres in view of the type of equipment which will be stored in that area (track type vehicles) as well as the extraordinarily heavy items which may also be stored. A hard, nonporus surface on the two acre parcel would quickly be chewed up and destroyed, which is the reason for Daily's desire to utilize a crusher run type of material.

Daily does not intend to use either the 3 acre or 2 acre parcel for purposes of c. tainer storage. Daily would utilize the front 3 acre parcel for the parking, storage of trucks, truck trailers and truck tractors.

In summary, Daily's operations will be that of a Class II operation on the front 3 acre parcel where there will be parking and storage of trucks and truck trailors. The back 2 acres will be used for warehousing and temporary storage of products.

In view of the intended use and the existing zoning and Class II truck terminal classification, it would be the position of Daily Express that they need not seek any further zoning change, clarification, or classification in order to obtain the necessary permits to proceed to occupy and operate from the site.

I would further advise you that Daily Express has contractual requirements which must be met, and as a result there is some . degree of urgency in resolving this issue. We thank you for your prompt review and attention to this matter. I would be most happy to meet with you or whomever you designate to further discuss the proposed activities of Daily Express if you believe that is necessary.

Very truly yours,

J. Carroll Holzer

المراجع المراجع

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

J. Carroll Holzer, Esquire 305 West Chesapeake Avenue, Suite 110 Towson, Maryland 21204

RE: Daily Express, Inc. 4035 Old North Point Road 15th Election District

Your letter of February 6, 1985 accurately reflects our February 1st meet-

Please be advised that the rear two-acre parcel of the site located as referenced above may be utilized for the storage of freight in transit and that the surface may be crusher run. However, your client will be required to utilize one of the following methods in order to control airborne particulate (ABP):

- a. The use of water along the entire length of ingress and egress roadway not less than twice daily at 10:00 a.m. and prior to 4:00 p.m. on all days other than inclement weather.
- b. The use of water along the entire roadway on an as needed basis should item (a) prove to be inadequate in the control of ABP.
- c. The use of approved chemicals to include calcium cloride and others (with the exception of oil) for dust control the entire length of the roadway as required. Chemical applications must be replenished immediately following moderate to heavy rains.
- d. The use of oil along the entire length of the road of ingress and egress appropriately applied as prescribed by the Department of Natural Resources for the control of dust and ABP. The use of oil is not to be less than once per quarter and not to cause a nuisance to the public or a hazard on the roadway.
- The use of new crusher run as the existing surface becomes pulverized due to heavy traffic causing ABP.

J. Carroll Holzer, Esquire Page 2 February 8, 1985

> f. The use of an approved paving other than crusher run, as prescribed by the Baltimore County Code for new and existing roadways, should the control measures as prescribed above become ineffectual within a 180-day trial period as deemed by the Division of Air Pollution Con-

The methods noted are available to your client to select whichever one or combination thereof may be more acceptable, economical, and feasible for ABP control on crusher run.

If I can be of further assistance, please feel free to contact me.

Sincerely.

AJ/srl

J. CAMBOLL HOLZER CHIOLE & DENILIO

1 HOWARD HOLDER

HOLZER, MAHER & DEMILIO SUITE NO TOWSON, MARYLAND 21204

ant 16TH STREET, H.W. 5. MASHINETON, D.C. 2000S

Mr. Arnold Jablon Zoning Commissioner County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Daily Express Inc. 4035 Old North Point Road Ballimore County

February 6, 1985

Dear Mr. Jablon:

This letter will confirm that we had a meeting last Friday, February 1, 1985 at which time we discussed the subject of Daily Express, Inc., acquiring the 5 acre parcel presently owned by the Express, inc., acquiring the 5 acre parcel presently owned by the X.L., Corporation. As a supplement to my letter of January 18, 1985 to you, I indicated that Daily Express, Inc., is willing to pave the back 2 acre parcel previously referred to which would be utilized for the storage of freight in transit. It is their desire to apply a crusher run surface to the 2 acres which would be subject to the various restrictions which you previously referred to at our meeting as being adopted by the Maryland Department of Health.

It is the intention of Daily Express, Inc., to accept the proposed restrictions which would include the watering and oiling of the crusher run.

I thank you for your willingness to address this particular problem and as previously indicated, Daily has agreed to be bound by whatever restrictions you feel are necessary to protect the health, safety and welfare of the public in regard to the crusher run application.

We believe the proposed building is clearly an accessory structure and under

In view of the critical necessity to proceed with the building construction

the above referenced section of the Development Regulations is clearly exempt from

before the onset of unsuitable weather and in view of the remote possibility that

you will not: agree with our conclusion that the proposed building is exempt from

CRG as an accessory structure, we are also resubmitting the request for a waiver of CRG plan and process. We request that if you conclude the proposed activity

is not exempt from CRG that you process the attached substitute data for the CRG

The previously submitted waiver request form and waiver fee of \$60.00 remain

Very truly yours,

GEORGE WILLIAM STEPHENS, JR.

Please contact me if you need any additional data or have any questions.

3 Site Plans (1"=50")
3 Partial Aerial Photographs (1"=200")

3 Statement of: Justification

Very truly yours,

J. Carroll Holzer

JCH: lm

Baltimore County

Current Planning Mr. Gary Kerns

August 15, 1988

waiver as follows:

Office of Planning and Joning

the requirements of the regulations.

cc: Bob Wertz

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 494-3211 P. David Fields

GEO. WM. STEPHENS, JR.

ASSOCIATES. INC.

Dennis F. Rasmussen

George William Stephens, Jr. & Associates, Inc. 303 Allegheny Avenu Towson, Maryland 21204

Dear Mr. Stamm:

August 31, 1988

After review by the Waiver Advisory Committee and the Director of Planning and Zoning, of your request to waive CRG Plan and CRG (meeting/process) it has been determined that this request is EXEMPT under Section 22-42 (7) of the County Development Regulations.

Sincerely.

P. David Fields 😓

Director of Planning and Zoning

PDF:rh

cc: James Markle Robert Bowling Daily Express. Inc., W/S Old North Point Road. 750' N of Beachwood Road

General Information and Requirements for Submittal: 3 COPIES OF ALL INFORMATION west side of Old North Point Road, 750's north of Beachwood Road 2. Owner(s) mane Daily Express, Inc. 3. Owner(s) address & . i phone number P.O. Box 39; 1076 Harrisburg Pike; Carlisle, PA. 17013 4. Applicant's mase (if other than owner) George William Stephens, Jr. & Associates, Inc. 5. Applicant's address and phone number 303 Allegheny Avenue; Towson, Maryland 21204 (301) 825-8120 6. Liber/folio EHK, Jr. No. 7084, Folio 586 7. Tax Account Number 1502202710 8. Site plan at appropriate scale and vicinity sketch 3 COPIES EACH Season for Waiver Request: Check Appropriate Reason: HUST FTIACH STATEMENT FOR JUSTIFICATION OF RECUEST [1] Lot line adjustment, including the combination of lots or parcels. The succivision of property pursuant to court order, a will, or the laws of intestate succession...
Amendments to an approved plan or plat which do not saterially alter the proposed development. The suchivision of land in an approved agricultural land preservation district for the purpose of the conveyance of lot to the owner or his children pursuant to Title 2. Subtitle 1 of the Agriculture Article or the Annotated Code of Maryland. 11 A commercial development of land involving only one building for a single use. A minor development. The construction of public buildings. X : The construction of accessory structures. The construction of accessory structures.

Any processed sevelopment, if the Director finds that compliance with these regulations would cause unnecessary hardsnip MUST STEACH STATEMENT SPECIFYING MATURE OF MARDSHIP. TATTEE NE MAITER Waiter of Public Works Standardick. Specify which standardisk and give reasons f

ATTACHMENT B"

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.

P.O. BOX 6828, TOWSON, MARYLAND 21204 August 15, 1988 STATEMENT FOR JUSTIFICATION OF REQUEST

FOR WAIVER OF CRG (MEETING & PROCESS)

DAILY EXPRESS, INC.

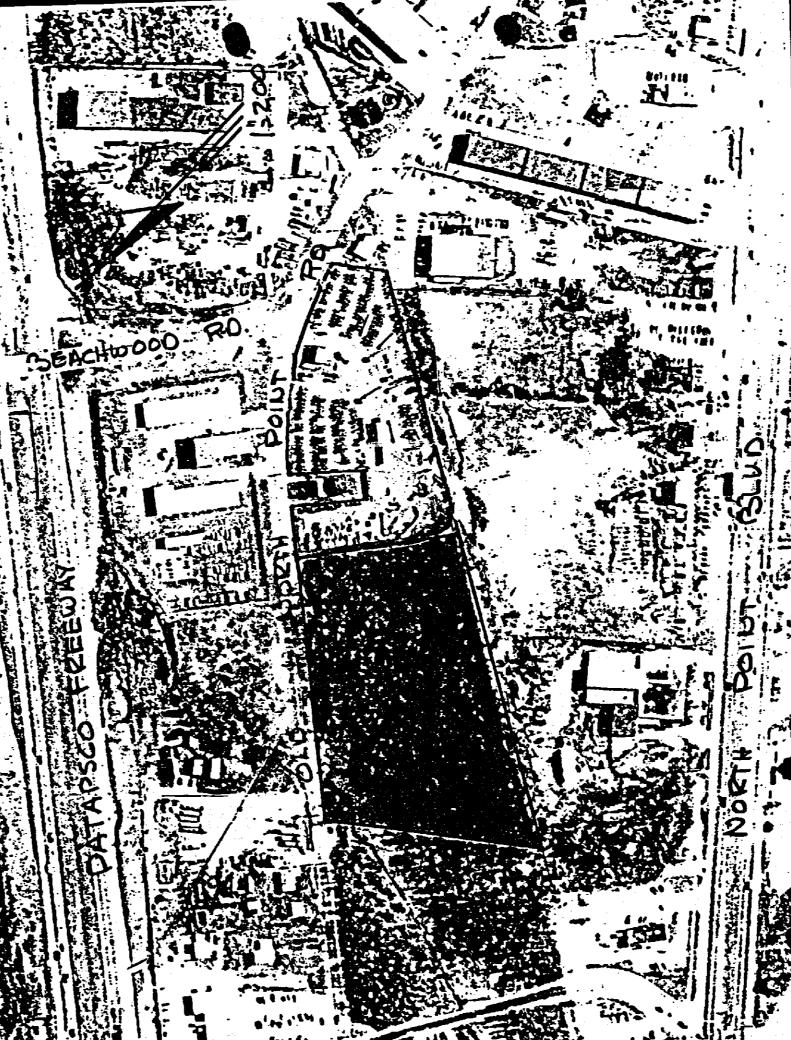
4035 OLD NORTH POINT ROAD

Daily Express, Inc. operates a Class II trucking facility on the 3 acre parcel known as 4035 Old North Point Boulevard, shaded in yellow control on the attached aerial photos. Daily Express, Inc. acquired the adjacent 5 acre parcel, shaded in pink on the aerial photos, for the purpose of storing and parking various equipment and commodities which it typically hamls such as heavy agricultural tractors and tracked vehicles of various size and .unction.

Earlier efforts by Daily Express, Inc. to develop the 5 acre parcel resulted in approvals by the Zoning Commissioner to utilize the area for the storage of freight in transit. Recognizing the effects that tracked vehicles, which would be off-loaded and stored on the site prior to shipment, would have on a bituminous bound pavement, the use of a crusher run surface was permitted.

This request for a waiver of CRG plan and process is to allow the prompt construction of a small building in the rear of the 3 acre parcel to allow the servicing of the vehicles that have been damaged in transit or need minimum repairs or servicing prior to shipment to dealers. The owner intends to proceed with a pansion of the storage area onto the adjacent 5 acre site in conformance with earlier approvals but the concept of a small service building is a new requirement which has evolved as a necessary accessory function in the course of doing business at the site over the past several years.

This request for a waiver of CRG plan and process is based on Section 22.43(12) recognizing that the proposed 2,800± s.f. building is strictly an accessory structure which will allow the minor service and repair activities that are currently performed . in the open, to be performed more efficiently in an enclosed area, out of the elements. No changes in the operation of Daily Express are planned as a result of the construction of this accessory structure.



Baltimore County Office of Planning and Zoning Current Planning Towson, Maryland 21204 Attention: Mr. Gary Kerns Meeting in September, 1988. etc. imported through the port of Baltimore and transported to the site by trucks prior to transport to dealer.

Ser. * ** 47

Your records will reflect that we submitted a request for a waiver of CRG meeting and process on July 21, 1988 for the Daily Express Facility at 4035 Old North Point koad. This application was accepted as 88-207 and scheduled for the Planning Board Subsequent to that request for waiver, the owner determined that the small accessory building would best serve his operation by locating the building on the existing 3 acre parcel rather than on the planned 5 acre expansion parcel located

RE: Daily Express, Inc.

CRG Exemption

immediately to the west. The purpose of this letter is to obtain formal confirmation from your office that the proposed construction of a 2,800 s.f. service building on the existing 3 acre parcel is exempt from the Development Regulations under Section 22.42(7). The existing 3 acre parcel is currently used for storage and temporary parking of various equipment such as heavy agriculture tractors and tracked construction equipment,

The minor repair and servicing of these vehicles and equipment is currently performed in the open and the purpose of the proposed building is to allow this activity to be performedout of the elements.

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-392-SPH SW/S Old North Point Road and SW/C Beachwood Road & Old North Point 4035 Old North Point Road 15th Election District - 7th Councilmanic Petitioner(s): Daily Express, Inc. HEARING SCHEDULED: THURSDAY, MARCH 30, 1989 at 9:30 a.m.

Special Hearing: An amendment to the approved plans for an existing truck terminal (Case No. 80-9-X) to include accessory structure for servicing equipment and commodities hauled under contract.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

Baltimore County Daily Express, Inc.

Zoning Commissioner of

CERTIFICATE OF PUBLICATION

TOWSON, MD. Moach 9 1989

THIS IS TO CERTIFY, that the annexed advertisement was

THIS IS TO CERTIFY, that the annexed advertisement was Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 THE LEFFERSONUN Daily Express, Inc. 1076 Harrisburg Pika P. O. Box 39 CASE NUMBER: 89-392-SPH SW/S Old North Point Road and SW/C Beachwood Road & Old North Poir 4035 Old North Point Road 15th Election District - 7th Councilmanic Petitioner(s): Daily Express, Inc. HEARING SCHEDULED: THURSDAY, MARCH 30, 1989 at 9:30 a.m. CERTIFICATE OF PUBLICATION DATE 3-30-89 Petition for Special Heering Case Number: 89-392-391-SW/S Old North Point Road and SW/C Beachwood Road published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___ successive and SW/C Beachman & Cid North Point 4035 C North Point Road 16th Election District Sh Councilmania Patrionar(s):
Daily Express, Inc. Hearing Dete: Thursday, Mar. 30, 1989 at 9:30 a.m. week, the first publication appearing on March 9, 19 89 Special Hearing: An arron ment to the approvad plans for a redsting truck terminal (Case N 80-8/) to include accessor THE JEFFERSONIAN, contract. 5. Zefe Olm

CEREFICATE OF PUBLICATION

Dundalk Eagle

THIS IS TO CERTIFY, that the annexed advertisement of

J. Robert Haines in the matter of Zoning Hrgs. - Case #89-392-SPH - P.O. #10470 - Req. #M27068 - 92 lines

\$46,00 a weekly news-

paper published in Baltimore County, Maryland, once a week

the same was inserted in the issues of March 9, 1989

March 9,

Kimbel Publication, Inc.

Date of Posting 3/9/89

3/10/89

sympersive weeks: before the

19 89 ; that is to say,

4 N. Center Place

Dundalk, Md. 21222

P. O. Box 8936

10th day of

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of property: 5 w/s Dld N. P.S. Rd. of Sw/cor, Box 4 wood Bl & Dld H.M. Rd

Location of Signe Freizy ald N.PT. Rd gopping, 10' Fr. 100 dway, and

Tourses, Maryland

in the event that the countries, a building parmit may be searched, a building parmit may be seased within the thirty (3th day appeal period. The Zorring Commissioner will, however, entertail envy request for a stay of the it suence of seid parmit during the suence of seid parmit during the period for good cause show the request most be in writing and required in this office by the date of the hearing set above presented at the hearing.

Religion County

Attention County

Office of Planning & Zoning

Townon, Maryland 21204

887-3363

The Zoming Commissioner of Balli

more County, by authority of the

Jenning Act and Regulations of Balti-

more County will hold a public

bearing on the property identified

terein in Room 106 of the Cenny

Othor Building, located at 111 W.

Chesarade Avenue in Torson, Mary

land as follows

CASE SUMBER: 89.392-97H

SM/S Old Hadty Point Head and

SM/C Hoschwood Real &

4035 Chi Horth Point Stood

15th Election District 7th Councilment District

Pathiamerist Daily Express, Inc.

HEARING SCHEDULED: THURSDAY,

MARCH 30, 1989 at 9:30 a.m.

to the approved plans for an exist

ry track terminal Case No. 2091

to enclude accessory structure to

Security equipment and commodities

hould under contract

in the event that this Petalion

man of a building beams may b

risonal athus the thirty (30) day up

ceal period. The Zoning Commission

er with however, entertain any it

aves for a stay of the issuance of

said permit during this period for good cause shown. Such request

the office by the case of the bear

org set above or presents at the beauty

1 ROBERT HAMES.

Zaming Commissioner of

ENTER TOTAL

District 15 Th

Posted for ... Special Hogy ing

4035 Old N. 17. Pd

Petitioner: Daily Expres,

property of letitionin

Special Hearing: An amendmen

MOTICE OF MEANING

J. ROBERT HAINE

Please be advised that \(\frac{\frac{7}{02.37}}{10.37} \) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself. THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before Building, Room III, 100501, he begin. BALTIMORE COUNTY, MARYLAND or each set not OFFICE OF FINANCE - REVENUE DIVISION MISCELLANGOUS CASH RECEIPT R-01-615-000 AMOUNT \$ 102.37 PROM: (CARLOW HELTER) FOR tosting & Advartising (89-392-SPH) B B 015**** 10237: & \$30*F

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

J. Carroll Holzer, Esquire Holzer, Maher & Demilio

305 W. Chesapeake Avenue

Towson, MD 21204 RE: Item No. 284, Case No. 89-392-SPH Petitioner: Daily Express, Inc. Petition for Special Hearing

March 15, 1989

Dear Mr. Holzer:

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 2120

Burrau of

Bureau of

ngineering

Department of

State Roads Commi

Health Department

Zoning Administration

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced pelition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the 1 quested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

games E. Dejer JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:jw Enclosures

accordingly.

cc: Daily Express, Inc. 1076 Harrisburg Pike P.O. Box 39 Carlisle, PA 17013

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hal Kassoff

January 27, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Baltimore County Daily Express, Inc. Zuning Meeting of 1-24-89 S/W North Pint Road (MD 20) at S/W Corner of Beachwood Road (Iter #284)

Dear Mr. Haines:

After reviewing the submittal for a special hearing to approve an amendment to the approved plans for an existing truck terminal (Case No.: 80-9-X) to include an accessory structure for servicing equipment and commodities hauled under contract, we find the plan must be revised to show a future 60' right of way, 30' measured from the centerline of North Point Road.

If you have any questions, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

Creston J. Mills, Jr., Chief Bureau of Engineering Acress Permits

LB:maw

cc: G.W. Stephens & Assoc., Inc. Mr. J. Ogle

My telephone number is (301) 333-1350 Teletypewriter for impaired Hearing or Speech
383-7555 PaitImore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toil Free
707 North Calvert St., BaitImore, Maryland 21203-0717

WASHINGTON, D.C. OFFICE 225 SHOREHAM BUILDING HOLZER, MAHER, & DEMILIO BOR 15TH STREET, N.W. 305 W. CHESAPEAKE AVENUE WASHINGTON, D.C. 2000 SUITE 105 TOWSON, MARYLAND 21204 PLEASE REPLY TO: (301) 825-6960

> January 18, 1989 #6378

Mr. Mitch Kellman Baltimore County Zoning Office County Office Building Towson, Maryland 21204

I. CARROLL HOLZER

CAROLE S. DEMILIO

OF COUNSEL

J. HOWARD HOLZER

RE: Daily Express Building Permit

Dear Mr. Kellman:

This letter is to acknowledge the understanding of Daily Express and myself that Baltimore County is issuing a conditional and myself that partimore county is issuing a conditional building permit which is subject to the approval or denial of the Zoning Commissioner in regard to the Petition for Special Hearing which has been filed in this regard.

It is our understanding that in the event of a denial of the request pursuant to the Petition for Special Hearing, that Daily Express Will be required to restore the property to its original condition.

I trust this letter will be acceptable for purposes of your zoning file and I wish to thank you for your assistance in this regard.

Very traly yours, Carroll Holzer

cc: Bob Wertz

JCH:mlg

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

March 1, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204



Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 264, 277, 278, 280, 281, 282, 283, 284, 286, 287, 288, 292, 293, 294, 295

Very truly yours, Michael S. Flanigan Traffic Engineer Assoc. II

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue

Your petition has been received and accepted for filing this 25th day of January , 19 894

Received by

Chairman, Zoning Plans

2/14/89

Advisory Committee

Daily Doress, Inc. Petitioner's J. Carroll Holser

Zoning Commissioner

County Office Building

Towson, Maryland 21204

Office of Planning and Zoning

				0
BALTIMORE	COUNTY DES	ARTMENT RESOURCE	OF ENV MANAG	LRONMEN'

dui carv	Committee	Meeting of	January	24,1989

Zoning Item 1 284, Zoning Advisory Property Owner: Daily Express Inc.

Location: 5/W side of Old North Point Read COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval. () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.

Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for

Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, not tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations.

For more complete information, contact the Division of Maternal and Child Health. () If lubrication work and oil changes are performed at this location, the method providing for the elimination

of waste oil must be in accordance with the State Department of the Environment. Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management

et 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes.

Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 387-3775. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the

contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

() Soil percolation tests, have been ____, must be ____, conducted.

() The results are valid until_____, where expired. Petitioner should contact the Division of Water () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental II summission of press to the selection for more information contact the Division of Environmental Management

" order to addivide this property, the owner or developer will be required to comply with the addivision of Parameters 1223 F.766 march allerges AT

JAN 31 1989

ZONING OFFICE

o: / / Sediment Control	Date: February 14, 1989
/ Public Services	
/ x/ Zoning Commissioner	
Project Name	Daily Express
Type of Plan	Zoning Request - 17-4 284 on Date: 12/4/88
Plan/Revisio	n pate:
	been reviewed by the Environmental
- , nAi_a of the Hill	All Dr. Malet Oughtly with the second second
mpact Review Section of the boundaries and the following recommendations and the following recommendations are section of the boundaries and the following recommendations are section of the boundaries and the following recommendations are section of the boundaries are section	mendations are made:
Approved	
<u>N</u> Disapproved	
	and a second
Plan must show stream, buffe	ers, wetlands and notes in ares
[1] [1] [1] [1] [2] [2] [2] [2] [2] [2] [2] [2] [2] [2	ner, as on grading plan approved
10/4/88	· · · · · · · · · · · · · · · · · · ·
the second secon	[1] [1] · [
	· 医神经囊中枢、重要指导、电影、广泛重要、正式、电影、大学、神经、大学、学
The same of the sa	(1987年) [1] 1987年 [1] 198
	· · · · · · · · · · · · · · · · · · ·
2000年代的新文学新疆公安建筑的第三人称	
A Mist A Distance Distance Mit Text Mit Text And	
	of a Corps of Engineers 404 Permit and
a State Water Quality Certi	ficate; or a letter of no jurisdiction.
Reviewer: Louise 1. Hanson	Phone: 494-3980
	DISPOSITION: Not approved
	A STATE OF THE STA
	Name/Date: LIH 2/10/89
	Williams bared Filt TIU FY TO ON STATE STATE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke Chief

February 7, 1989

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Daily Express, Inc.

S/W side of Old North Point Road and S/W

Location: corner of Beachwood Road and Old North Point

County Executive

Road
Item No.: 284

Zoning Agenda: Meeting of January 24, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Fire Hydrants at 300' Intervals.

	-									_			A-1	-:
	_	_					_£	-mhiala	200000	ie	required	tor	tne	Site.
١.	7	Α	S-2	ന്നാ	1	means	OI	AGITTOTE	access		204			

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

NOTED &
APPROVED:

ire Prevention Bureau

BAZTIMORE COUNTY, MARYLAND

3/30/89

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO Zoning Commissioner

Date March 29, 1989

Pat Keller, Deputy Director
FROM Office of Planning and Zoning

Daily Express, Inc.
SUBJECT Zoning Petition No. 89-392-SPH

The Office of Planning and Zoning has no objection to the above petition. If approved, however, a landscape plan shall be reviewed and approved by the County Landscape Planner.

PK/sf

PECETVET

ZONING OFFICE

